

REMARKS

This responds to the Office Action mailed on February 8, 2008. Reconsideration is respectfully requested.

Claims 1, 5, 6, 8 – 11, 13-15 and 17-19 are amended, claim 12 is canceled, as a result, claims 1 – 11 and 13 - 19 are now pending in this application.

§102 Rejection of the Claims

Claims 1-19 were rejected under 35 U.S.C. § 102(e) for anticipation by Henry et al. (U.S. Patent No. 7,058,059).

Applicant's claims 1, 5 and 10 recite that a temporary unidirectional IP tunnel is established from a previous AP of the mobile terminal to the new AP prior to deletion of a previously established IP tunnel between a home AP of the mobile terminal and a previous AP. This temporary unidirectional IP tunnel is established when the mobile terminal reassociates with a new AP in a foreign network.

Applicant's claim 10 is intended to address an interruption in service and a possible loss of packets that may occur during the hand-over period associated with a handover within a foreign network or a handover to a foreign network. The hand-over period is the time between when a previous AP is cut off and when the connection is operating on a new AP. The temporary unidirectional IP tunnel helps eliminate an interruption in service that would be caused when a previously established IP tunnel between the home AP and the previous AP is deleted. The temporary unidirectional IP tunnel covers any packets that remain at the previous AP after reassociation. The temporary unidirectional IP tunnel may also cover any packets that were in-route to the previous AP after reassociation.

Applicant finds no teaching in Henry to establish a temporary unidirectional IP tunnel from a previous AP of the mobile terminal to the new AP prior to deletion of a previously established IP tunnel between a home AP of the mobile terminal and the previous AP when a mobile terminal reassociates with a new AP in a foreign network. Henry discloses establishing a new IP tunnel to the home agent, releasing the old access IP address, and removing the old IP tunnel associated with the old access IP address (see Henry column 4, lines 62 – 67). Henry states that to support seamless IP connectivity when roaming, an IP tunnel is maintained to the

home agent or some other gateway capable of mobility management in the mobile host's ISP or home network whenever the mobile host is not directly connected to its ISP or home network (see Henry column 4, lines 47 – 54). Although Henry states that seamless IP connectivity is supported, Henry does not address any packets that remain at the previous AP after reassociation or packets that were in route to the previous AP from the home AP after reassociation. Loss of these packets may cause an interruption in service. Applicant's temporary unidirectional IP tunnel from the previous AP to the new AP prior to deletion of the previously established IP tunnel between the home AP and the previous AP addresses this issue.

In view of the above, Applicant submits that claims 1, 5 and 10 cannot be anticipated by Henry and that the rejection of claims 1, 5 and 10 under 35 U.S.C. § 102(e) has been overcome. Claims 1, 5 and 10 are therefore believed to be in condition for allowance. Dependent claims 2 – 4, 6 – 9 and 11 – 19 are believed to be allowable at least because of their dependency on claim 1, 5 or 10.

Claim 17, for example, further distinguishes over Henry by reciting some of the messages sent when the mobile terminal roams within a foreign network or between foreign networks, including a create-tunnel request packet for creation of the temporary tunnel. Claim 18 recites, among other things, receipt of the response packet when the temporary unidirectional IP tunnel is established. None of this is taught or suggested by Henry.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-373-6900 to facilitate prosecution of this application.

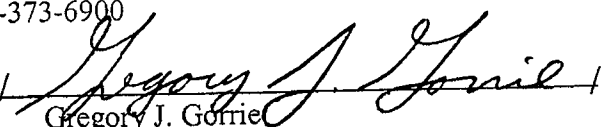
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 08, 2008

By

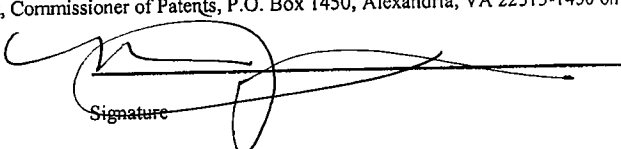

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of May 2008.

Nicole Jack

Name


Signature